

### **REMARKS**

The present Amendment is in response to the Examiner's Final Office Action mailed August 1, 2007. Claims 13 and 15 and 21-30 are cancelled without prejudice, claims 6, 11 and 14 are amended, and new claims 31-47 are added. Claims 6, 11, 14 and 31-47 are now pending in view of the above amendments. Newly added claims 31-42 and 45-47 read upon the elected species. Applicant withdraws newly added claims 43 and 44 as being directed to a non-elected species, but requests consideration thereof upon allowance of a generic claim.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

**A. Information Disclosure Statement**

Applicant has submitted an Information Disclosure Statement with this Amendment.

**B. Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 6, 11, 13-15, and 21-30 under 35 U.S.C. § 112, Second Paragraph for indefiniteness on the grounds that it is unclear what "the stopper not having a handle" and "said means for preventing does not include a handle" mean.

Applicant respectfully traverses this rejection. Nevertheless, Applicant has amended claim 6 to remove "the stopper not having a handle" and has canceled claims 21-30 without prejudice to pursuing such in a related application. Accordingly, this rejection is moot and should be withdrawn.

#### **D. First Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 6, 13-15, and 21-30 under 35 U.S.C. § 103 as being unpatentable over *AAPA* (see Fig. 2a) in view of *Almblad et al.* (U.S. Patent No. 4,651,604). Applicant traverses this rejection at least because the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

In further detail, the Examiner asserts that *AAPA* “discloses the invention substantially as claimed[.]”<sup>1</sup> Contrary to this assertion, *AAPA* does not substantially disclose the elements recited in the claims. *AAPA* merely discloses punching devices that accommodate left-handed users, right-handed users, or both:

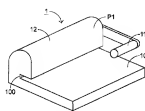


Fig.1(a)  
PRIOR ART

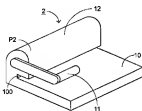


Fig.1(b)  
PRIOR ART

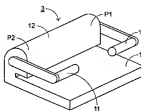


Fig.2(a)  
PRIOR ART

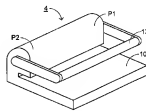


Fig.2(b)  
PRIOR ART

*AAPA* does not disclose and does not inherently include any or all of the following claimed features:

- a “transmitting shaft”;
- a transmitting shaft that includes “a first end and a second end, the first end including a polygonal portion, the second end including a polygonal portion”;
- a handle member that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”;
- a handle member that includes “a polygonal portion”;
- a stopper that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”;
- a stopper that includes “a polygonal portion”;
- that, “when the handle member is connected to the first end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the first end of the transmitting shaft”;

- that, “when the handle member is connected to the second end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the second end of the transmitting shaft”;
- that, “when the stopper is connected to the first end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the first end of the transmitting shaft”; or
- that, when the stopper is connected to the second end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the second end of the transmitting shaft.”

In addition, although the Examiner asserts “the element 11 of the modified device of AAPA is exchangeable between the ends,”<sup>2</sup> the unmodified *AAPA* by itself does not disclose and does not inherently include such exchangeability and neither does the *Almblad* patent or any other cited reference. Moreover, the *Almblad* patent does not disclose and does not inherently include any or all of the following claimed features:

- a transmitting shaft that includes “a first end and a second end, the first end including a polygonal portion, the second end including a polygonal portion”;
- a handle member that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”;
- a handle member that includes “a polygonal portion”;
- a stopper that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”
- a stopper that includes “a polygonal portion”;
- that, “when the handle member is connected to the first end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the first end of the transmitting shaft”;
- that, “when the handle member is connected to the second end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the second end of the transmitting shaft”;

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<sup>1</sup> See Final Office Action, at 2 (August 1, 2007).

<sup>2</sup> See Final Office Action, at 3 (August 1, 2007) (emphasis added).

- that, “when the stopper is connected to the first end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the first end of the transmitting shaft”; or
- that, “when the stopper is connected to the second end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the second end of the transmitting shaft.”

In view of the foregoing, Applicant submits that claim 6 is allowable over the cited references and request allowance thereof. Applicant further submits that dependent claims 11 and 14 are allowable for at least the same reasons as claim 6 and therefore request allowance thereof.

**E. Second Rejection Under 35 U.S.C. § 103**

The Examiner rejects claim 11 under 35 U.S.C. § 103 as being unpatentable over *AAPA* (see Fig. 2a) in view of *Almblad et al.* (U.S. Patent No. 4,651,604) as applied to claim 6, and further in view of *Chen* (U.S. Design Patent No. D 489,763). Applicant traverses this rejection at least because the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

In further detail, the Examiner asserts that the *Chen* design patent discloses “a hexagonal post engaging a hollow hexagonal end.” Contrary to this assertion, the *Chen* design patent does not disclose a hexagonal post; a hollow hexagonal end; or a hexagonal post engaging a hollow hexagonal end. As shown below, the *Chen* design patent discloses a notch extending along a portion of the length of what would otherwise be a circular post:

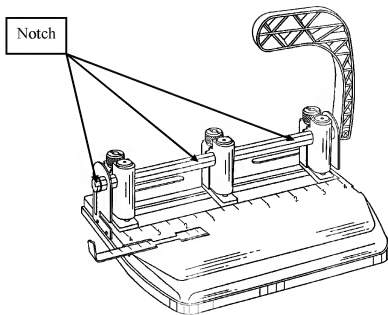
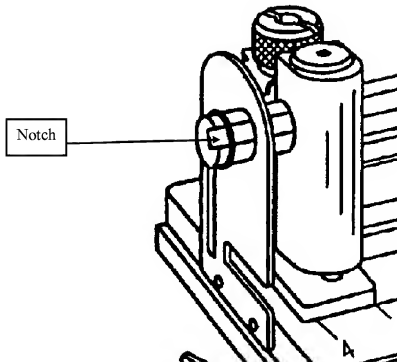
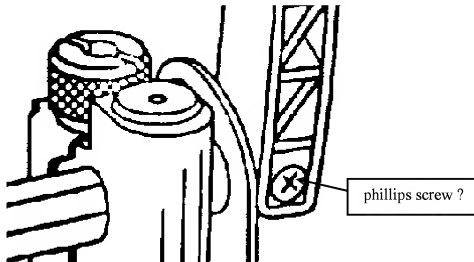


FIG. 1



In addition, the *Chen* design patent does not disclose and does not inherently disclose (1) that its notch extends along the entire length of its post or (2) that its handle engages its post's notch or

any other portion of the its post. At most, the *Chen* design patent appears to disclose a phillips screw, but does not disclose what role the phillips screw plays, if any, relative to the post:

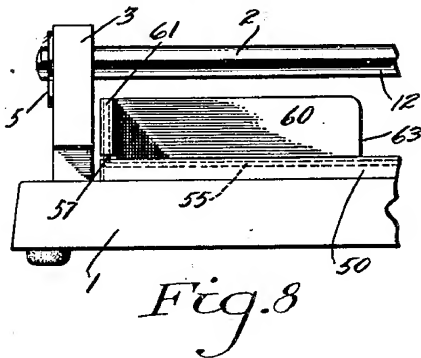


More importantly, the *Chen* design patent does not disclose and does not inherently include any or all of the following claimed features:

- a transmitting shaft that includes “a first end and a second end, the first end including a polygonal portion, the second end including a polygonal portion”;
- a handle member that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”;
- a handle member that includes “a polygonal portion”;
- a stopper that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”
- a stopper that includes “a polygonal portion”;
- that, “when the handle member is connected to the first end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the first end of the transmitting shaft”;
- that, “when the handle member is connected to the second end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the second end of the transmitting shaft”;

- that, “when the stopper is connected to the first end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the first end of the transmitting shaft”; or
- that, “when the stopper is connected to the second end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the second end of the transmitting shaft.”

Like the *Chen* design patent, the references submitted in the Information Disclosure Statement mentioned above do not disclose and do not inherently include several claimed features. In further detail, the presently submitted *Salt* (U.S. Patent No. 1,541,188) discloses a groove 12 that extends along the length of what would otherwise be a circular shaft 2:

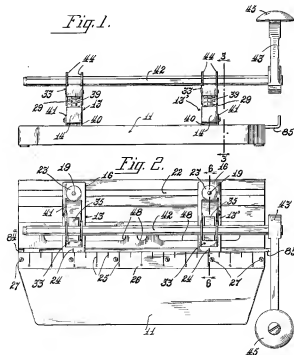


The *Salt* patent does not disclose and does not inherently include any or all of the following claimed features:

- a transmitting shaft that includes “a first end and a second end, the first end including a polygonal portion, the second end including a polygonal portion”;
- a handle member that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”;
- a handle member that includes “a polygonal portion”;

- a stopper that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”
- a stopper that includes “a polygonal portion”;
- that, “when the handle member is connected to the first end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the first end of the transmitting shaft”;
- that, “when the handle member is connected to the second end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the second end of the transmitting shaft”;
- that, “when the stopper is connected to the first end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the first end of the transmitting shaft”; or
- that, “when the stopper is connected to the second end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the second end of the transmitting shaft.”

The presently submitted *Kern* (U.S. Patent No. 2,389,105) discloses a shaft 42, an arm 43 and links 33 having wings 44:







- a stopper that is sized and configured both “to be connected to the first end of the transmitting shaft” and “to be connected to the second end of the transmitting shaft”
- a stopper that includes “a polygonal portion”;
- that, “when the handle member is connected to the first end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the first end of the transmitting shaft”;
- that, “when the handle member is connected to the second end of the transmitting shaft, the polygonal portion of the handle member is positioned to engage the polygonal portion of the second end of the transmitting shaft”;
- that, “when the stopper is connected to the first end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the first end of the transmitting shaft”; or
- that, “when the stopper is connected to the second end of the transmitting shaft, the polygonal portion of the stopper abuts the polygonal portion of the second end of the transmitting shaft.”

In view of the foregoing, Applicant submits that claim 11 is allowable over the cited references and request allowance thereof.

**CONCLUSION**

In view of the foregoing, Applicant believes the currently pending claims are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 27<sup>th</sup> day of December, 2007.

Respectfully submitted,

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